



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

MEMORANDUM

SUBJECT: Consent Agreement and Consent Order
Ellicott Machine Corporation

MAY 01 1989

FROM: Marcia E. Mulkey *Marcia E. Mulkey*
Regional Counsel (3RC00)

Thomas C. Voltaggio, Acting Director *for [Signature]*
Hazardous Waste Management Division (3HW00)

TO: Stanley L. Laskowski
Acting Regional Administrator (3RA00)

The attached Consent Agreement, Settlement Conditions Document, and Consent Order have been negotiated in settlement of a Toxics Substances Control Act (TSCA) administrative complaint issued on February 25, 1988, against Ellicott Machine Corporation, Baltimore, Maryland (Ellicott), for violations of the PCB Rule.

In its complaint EPA alleged that Ellicott had failed to: conduct quarterly visual inspections of its PCB Transformer and to maintain records of such inspections; to register the PCB Transformer with the fire department; to mark the entrance to the area enclosing the PCB Transformer; and to prepare and maintain annual documents for the PCB Transformer.

The total proposed civil penalty set forth in the Complaint was \$35,000 and the amount negotiated in settlement is \$11,400. The Consent Order provides that \$1,140 of this penalty is to be paid within 60 days of Ellicott's receipt of the executed Order. If Ellicott performs the settlement conditions set forth in the attached agreement to EPA's satisfaction by January 31, 1991, EPA has agreed to remit the remaining \$10,260 of the penalty; otherwise the balance of the penalty will become due. We concur in this penalty reduction and in the remittance of \$10,260 of the penalty for satisfaction and timely completion of the settlement conditions.

The penalty reduction has been made in accordance with the 1980 TSCA and PCB Penalty Policies based on evidence of facts provided to EPA by Ellicott since the issuance of the Complaint and on Ellicott's attitude regarding compliance with environmental regulations.

All Consent Orders must be signed by the Regional Administrator. See 40 C.F.R. § 22.18(c). We recommend that you sign the attached Consent Order directing Ellicott Machine Corporation to pay \$11,400 in settlement of this Complaint and the attached Settlement Conditions Document wherein EPA agrees to remit part of the penalty, both as provided therein.

After you have executed the Consent Order and the Settlement Conditions Document, please return all of the documents to the Office of Regional Counsel for further processing.

Attachments

cc: Therese M. Kurtze, Esquire

